

CHAPTER 5 - ADULT CUSTODY AND SECURITY OPERATIONS
ARTICLE 7 – INMATE DEATHS, SERIOUS INJURY, OR ILLNESS NOTIFICATION

Effective January 19, 2006
Updated September 6, 2013

[Sections 51070.1 through 51070.2 are unchanged]

51070.3 Possible Death

An employee discovering a possible inmate/parolee death shall immediately summon medical assistance. Pending arrival of medical assistance, the employee shall make every effort to preserve life.

This may include first-aid, Cardio Pulmonary Resuscitation (CPR), and other life-saving measures for which the employee is trained. Life support measures shall be continued until the medical personnel arrive.

Medical personnel will continue life saving efforts unless one or more of the following signs of death are present. If one or more sign is present, the physician will determine if patient is deceased.

- Rigor mortis/dependent lividity.
- Tissue decomposition.
- Decapitation.
- Incineration.

Once started, CPR shall continue until:

- Resuscitation efforts are transferred to a rescuer of equal or higher level of training.
- The patient is determined to be deceased by an MD.
- Effective spontaneous circulation and ventilation have been restored.
- Emergency responders are unable to continue because of exhaustion or safety and security of the rescuer or others is jeopardized.
- A written valid Do Not Resuscitate order is presented.

If a medical officer is not present when the inmate dies, the medical personnel will, in addition to the above:

- Notify the Chief Medical Executive (CME), staff medical officer, or the Medical Officer-of-the-Day (MOD) as appropriate.
- Notify the supervising nurse on duty, or on call.
- Notify the senior custody officer on duty.

A physician shall examine the patient at the earliest possible moment to determine if the patient has expired.

[Sections 51070.4 through 51070.5 are unchanged].

51070.6 Chief Medical Executive

Revised September 6, 2013

The CME or MOD on duty shall:

- Notify the watch commander or senior custody officer in the area of occurrence that the patient/victim has expired stating the time of death.
- Notify the coroner of the death and request their inquiry or release of the body.
- Upon obtaining the coroner's permission, cause the body to be covered and removed to the morgue or a private room in the treatment facility.

- Notify the Warden or Administrative Officer-of-the-Day (AOD), giving all significant points of administrative and medical/legal interest.
- Prepare a written summary of circumstances surrounding the death on CDCR Form 7229-A, Initial Inmate Death Report, or CDCR Form 7229-B, Initial Inmate Suicide Report, providing tactful wording of information that can be used in notifying the contact listed. Any last messages the deceased wished to be transmitted must be quoted.
- An original and five copies shall be prepared and routed to the Warden.
- Notify all required agencies of any communicable diseases discovered during examination.
- In the event the deceased inmate had a diagnosed communicable disease, the contract funeral director charged with the removal of the body from the facility shall be notified of such disease prior to the release of the body.
- Close out all medical records and transmit them to the records office for inclusion in the decedent's C-File.

51070.6.1 Death Certificate

The CME or physician examining the body and pronouncing death will specifically determine whether he/she can sign the death certificate or must refer it to the coroner. H&SC 10259 states the coroner will be notified and will sign the death certificate if death occurs:

- Without medical attendance.
- During the continued absence of the attending physician (vacation, etc.).
- Where the attending physician is unable to state the cause of death.
- Where suicide is suspected.
- Following an injury or accident.
- Under circumstances as to afford a reasonable suspicion that the death was caused by the criminal act of another.

The physician shall complete and sign their section of the death certificate within 15 hours of the death. An original and five copies will be prepared. The original will be forwarded to the undertaker for completion and the copies will be routed to the Warden. Pursuant to H&SC 10204, the coroner shall complete the certification of death within three days after examination of the body.

51070.7 Responsibility of Senior Custody Staff Member

Revised September 6, 2013

Upon notification of a possible death, the senior custody staff or watch commander shall assure the following steps are accomplished:

- Make or cause to be made the decision for the need to secure the death/incident scene. Any evidence and areas surrounding the death/incident scene shall not be disturbed until an investigating officer is assigned and on the scene.
- Initiate investigation or other custody measures as indicated.
- Order all pertinent materials gathered, i.e., personal property, visiting information, mail card, etc.

51070.7.1 Identify Decedent

Revised September 6, 2013

The senior custody staff member shall arrange for identification of the deceased as soon as practical.

Fingerprints

- Arrange for the taking of a full set of the deceased's fingerprints on the approved Fingerprint Card, signed by the employee taking the prints.
- Required for legal identification of deceased.

- If fingerprinting is impossible, positive identification must be made by other means (photograph, scars, etc.).

Other

- Identification by means other than fingerprinting requires a notarized affidavit.
- Fingerprint cards or affidavit shall be forwarded to the C&PR.

Exception to Fingerprinting

In circumstances involving suspected homicide, fingerprints shall not be taken. Each hand shall be wrapped in a paper container by the medical representative or the institutional investigator.

Fingerprinting shall be completed by the coroner/designee.

- Notify the chaplain of the death giving the inmate's religion if known.
- Notify the Warden or AOD and the CME or MOD.

51070.8 Circumstance of Death Report and Distribution

The highest ranking custodial officer or designee shall prepare and deliver within four hours of death a brief notice providing the decedent's name, number, time and place of death, and other pertinent facts to:

- The Warden/RPA.
- Chief Deputy Warden.
- CME.
- Associate Warden, Business Services.
- PIO/AA.
- Correctional Case Records Manager (CCRM).
- Correctional Captain.
- Parole agent or reentry facility administrator.
- Chaplain of the deceased's faith.

51070.9 Notification of Appropriate Agencies

Two-Hour Notification

Any death of an inmate in any facility of the Department, including contract facilities, shall be reported within two hours of the death to the county sheriff and the coroner, or their designee of the county in which the facility is located, and if the facility is located within the city limits of an incorporated city, the chief of police in that city, or their designated representative.

Additional Notifications

The death shall also be initially reported to the DA or designee of the county in which the facility is located, to the Director, Division of Adult Institutions, and to the Director, Division of Correctional Health Care Services, as soon as those personnel are on duty, but within 24 hours of the death.

Initial Report of Death

The initial report of the death may be transmitted by telephone, direct contact, or written notification, and shall outline all pertinent facts known at the time the report is made and all persons to contact, in addition to any other information the reporting person or officer deems pertinent.

- The Warden, RPA, or designee shall notify law enforcement personnel.
- The facility CME shall notify the coroner.

Written Report, Within Eight Hours of Death

Within eight hours of the death of an inmate in any facility of the Department, including contract facilities, a written report CDCR Form 7229-A or 7229-B shall be submitted by the Warden or RPA to those entities noted above. This written report shall include all circumstances and details of the death known at the time of report preparation, and shall include the names of all involved persons, and all persons with knowledge of the circumstances surrounding the death. A copy of the CDCR Form 7229-A

or 7229-B shall be retained in the office of the CME and the investigative office until conclusion of any investigation; one copy shall be placed in the deceased inmate's C-File. In community based correctional facilities, the RPA shall retain one copy of the report until conclusion of any investigation.

Attorney General Notification

The following reports and records shall be delivered to the Attorney General's Office, Bureau of Criminal Statistics, Statistical Data Center:

- Complete incident report or report of death as applicable.
- Completed copy of death certificate.
- Fingerprint card (two sets).
- Coroner's report (if applicable).

One copy of each of the preceding documents shall be forwarded to the Director of the Division of Juvenile Justice if the deceased is a youth offender of that agency.

51070.10 Notification of Contact Listed

Revised September 6, 2013

Facility classification staff in Reception Centers shall ensure that primary and alternate emergency contact information is entered in the Strategic Offender Management System (SOMS) application for each incoming inmate (new admissions and parole violators). Facility classification staff at all CDCR facilities shall ensure that the Notification in Case of Inmate Death, Serious Injury, or Serious Illness is updated:

- Annually as part of the classification review process.
- Upon recommendation of transfer by a classification committee.
- Whenever an inmate advises his or her correctional counselor of a desire to change the information contained in the SOMS application.

In the event of a death, serious injury, or serious illness, the Warden or designee at the level of Correctional Lieutenant or Correctional Counselor II or above shall use all reasonable means to contact the person(s) identified in the Notification. The senior custodial officer shall review the inmate's C-File and Emergency Contact information contained in SOMS and notify the contact listed as humanely as possible.

- Telephone notification of contact listed should be used whenever possible. Custody staff shall not attempt to provide medical information regarding the inmate's health or cause of death, but shall refer the contact listed to the facility CME or physician designee or to the County Coroner's office.
- In all cases of death, a tactfully worded letter, over the name of the Warden, shall be sent to the contact listed.

The following format may be used in the event of a death:

(Name of contact listed)

"I regret to inform you of the death of your (relationship), name, and date. Remains have been released to (name of contracting mortuary, address and phone number of mortuary). They are awaiting further instructions for the final disposition of your (relationship) without expense to the State. If not claimed within 48 hours, disposition must be made as provided by law. Please notify (contract mortuary) whether you will claim the body. You may contact the County Coroner's Office at (Area Code) XXX-XXXX if you have questions regarding the cause of death of your (relationship). We extend our sympathy in your loss."

51070.11 Removal of the Body

Revised September 6, 2013

The highest ranking custodial officer or their designee shall determine if the coroner has placed a hold on the body. If not, the custodial officer shall request the contract mortuary to pick up the body. The custodial officer shall obtain a body receipt form from the undertaker at the time the remains leave the facility. This form shall be completed in quintuplicate and distributed as follows:

- Original to the watch commander.
- One copy to control or the facility head.
- Two copies to the mortician (who leaves one copy at the gate).
- One copy to the CCRM.

[Sections 51070.12 through 51070.20 are unchanged]